UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION)))	MDL NO. 1456 CIVIL ACTION NO. 01-CV-12257-PBS
THIS DOCUMENT RELATES TO ALL ACTIONS))))	Hon. Patti B. Saris

DEFENDANT ASTRAZENECA PHARMACEUTICALS LP'S MOTION IN LIMINE TO EXCLUDE EVIDENCE RELATING TO PROFITS OR REVENUE OF ASTRAZENECA PHARMACEUTICALS LP FROM THE LIABILITY TRIAL

Defendant AstraZeneca Pharmaceuticals LP ("AstraZeneca"), by its undersigned counsel, respectfully moves this Court pursuant to Rules 402 and 403 of the Federal Rules of Evidence for an Order excluding evidence regarding AstraZeneca's revenue and profits from the Class 1 liability trial.

As grounds therefore, AstraZeneca states the following:

- 1. This proceeding has properly been structured as a liability trial, not a damages proceeding.
- 2. Evidence of AstraZeneca's profits and revenues is not relevant in any way to the proof Plaintiffs must make to establish their claim that AstraZeneca made an intentional misrepresentation regarding the Average Wholesale Price of Zoladex.
- 3. Evidence of AstraZeneca's profits and revenues should be excluded because: (a) it is unfairly prejudicial to AstraZeneca to permit Plaintiffs to focus the jury's attention on the profits and revenues of AstraZeneca when such evidence is not relevant to elements Plaintiffs must prove under the 42 state consumer protection laws and (b) the evidence would confuse and mislead the jury from the issues to be considered.

4. The only proper purpose for which a jury may consider evidence of AstraZeneca's profits and revenues is determining punitive damages where permissible and punitive damage issues are not part of this trial.

WHEREFORE Defendant AstraZeneca respectfully requests that this Court enter an Order excluding evidence regarding AstraZeneca's profits and revenues and grant all other relief that this Court deems just and appropriate.

Respectfully submitted,

By: /s/ Katherine B. Schmeckpeper

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Attorneys for AstraZeneca Pharmaceuticals LP

Dated: March 23, 2007

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I certify that counsel for AstraZeneca Pharmacuticals LP conferred with counsel for Platiniffs pursuant to L.R. 7.1 prior to filing this motion and Plaintiffs did not consent to the motion.

/s/ Katherine B. Schmeckpeper
Katherine B. Schmeckpeper

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered on March 23, 2007 to counsel for plaintiffs and to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, via LexisNexis File & Serve.

By: /s/ Katherine B. Schmeckpeper
Katherine B. Schmeckpeper